

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

Minute Entry

Hearing Information:

Debtor: AMADO G CALDERON
Case Number: 4:12-bk-16880-EWH **Chapter:** 7
Date / Time / Room: TUESDAY, MARCH 18, 2014 01:30 PM COURTROOM 329
Bankruptcy Judge: EILEEN W. HOLLOWELL
Courtroom Clerk: TERESA MATTINGLY
Reporter / ECR: ALICIA JOHNS

Matter:

STATUS HEARING ON DEBTOR'S CLAIM OF HOMESTEAD.
R / M #: 63 / 0

Appearances:

BARRY W ROREX, ATTORNEY FOR AMADO G CALDERON
TRUDY A. NOWAK, ATTORNEY FOR BETH LANG, Appearing in Phoenix

Proceedings:

The Court states the BAP made the findings of fact and asks if the record needs to be reopened.

Ms. Nowak thinks they are saying it is the trustee's burden to show a clear intent of permanent removal.

The Court asks Ms. Nowak if she has other evidence that would show clear intent of permanent removal.

Ms. Nowak responds that if this Court was not persuaded based on the record that it had been shown, then it makes sense for the trustee to come back in and put the debtor on the stand as well as the tenants. She suspects the Court and counsel may not have seen this as the standard before. It wasn't a published standard prior to the hearing.

The Court tells Mr. Rorex he will have the same result if he doesn't file his pretrial or witness and exhibit list.

Mr. Rorex states they will. The panel asked if he would prefer to have the matter remanded or reversed. He thinks that what they are saying is that there are two other ways the exemption could be terminated. If the Court has any question as to whether or not the property was transferred or as to whether Mr. Calderon declared his exemption. He thinks they were very clear as to the law on the third issue.

The Court renders comments on the BAP decision and what it means. If Ms. Nowak thinks she has more evidence a hearing will be set.

Ms. Nowak would like a hearing. They still haven't decided if they want to appeal the decision. She would want to depose at least the tenants and requests a hearing eight weeks out.

Mr. Rorex states if the tenants are called they would also want them as their witness. He confirms that would make five witnesses, Mrs. Calderon, the debtor, the tenants and perhaps one of the realtors.

THE COURT: A PRE-HEARING SCHEDULING CONFERENCE IS SET FOR APRIL 10, 2014 AT 2:30 P.M. AND AN EVIDENTIARY HEARING IS SET FOR WEDNESDAY, JUNE 11, 2014 AT 10:00 A.M. (est. all day)